

ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22403. Adulteration of candy. U. S. v. 17 Boxes and 34 Boxes of Candy. Default decrees of condemnation and destruction. (F. & D. nos. 32004, 32005. Sample nos. 43080-A, 43086-A.)

These cases involved shipments of candy which contained concealed coins.

On or about February 24, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 51 boxes of candy at Hartford, Conn., alleging that the article had been shipped in interstate commerce, in part on or about December 1, 1933, and in part on or about December 12, 1933, by R. E. Rodda Co., from Lancaster, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chocolate Covered Money * * * Chocolate Covered Coin Money 1¢ R. E. Rodda Candy Co., Lancaster, Pa."

It was alleged in the libels that the article was adulterated under the provisions of the law relating to confectionery in that it contained an ingredient deleterious or detrimental to health, namely, a copper cent. Adulteration was alleged under the provisions of the law relating to food, for the reason that the article contained an added deleterious ingredient which might have rendered it injurious to health.

On April 30, 1934, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the coins be removed and the candy destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22404. Adulteration and misbranding of tomato catsup. U. S. v. 100 Cases, et al., of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32009, 32010, 32320. Sample nos. 63869-A, 63870-A, 65402-A.)

These cases involved shipments of tomato catsup which were labeled as containing no artificial color, but which, in fact, did contain artificial color. Sample bottles taken from the 8-ounce size were found to contain less than 8 ounces.

On or about March 1 and March 22, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 278 cases of tomato catsup at Chicago, Ill., alleging that the article had been shipped in interstate commerce in various consignments, on November 4 and November 23, 1933, and February 23, 1934, respectively, by the Summit Packing Co., of La Porte, Ind., in part from La Porte, Ind., and in part from Wellsboro, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. One lot, contained in 8-ounce bottles, was labeled in part: (Principal label) "Contents 14 Ozs. Rarebit Tomato Catsup, Distributed by Wurm Brothers Co., Chicago, Ill."; (neck band) "We guarantee this catsup to be absolutely pure No * * * artificial coloring * * * 8 Oz." One lot was labeled in part: (Principal label) "Edgewater Catsup 14 Oz. Emile Bastien & Co. Distributors Chicago (Austin)"; (neck band) "Free from * * * artificial coloring." One lot was labeled in part: (Bottle) "Net weight 8 Oz. Rosemary * * * Pure Tomato Catsup Samuel Kunin & Sons, Inc. Distributors, Chicago, Ill. * * * No * * * artificial coloring. * * * 8 Oz."

It was alleged in the libels that the article was adulterated in that tomato catsup containing artificial color had been substituted for the article.

Misbranding was alleged for the reason that the statements, "Pure Tomato Catsup", "Tomato Catsup", "Catsup", "No * * * artificial coloring", "Free from * * * artificial coloring", appearing on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to tomato catsup which contained artificial color. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding of the 8-ounce bottles was alleged for the reason that the statements, "Net Weight 8 Oz.", "8 Oz.",

borne on the labels, and the statement on the principal label of a portion of the 8-ounce bottles, "Contents 14 Oz.", were false and misleading; and tended to deceive and mislead the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since neither statement was correct.

On April 11, 1934, the Summit Packing Co., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22405. Adulteration of canned shrimp. U. S. v. 288 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 32014. Sample no. 59669-A.)

This case involved a shipment of canned shrimp which was in part decomposed.

On or about February 27, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 288 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 20, 1933, by the Gussie Fountain Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 19, 1934, Sanborn, Holmes & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the decomposed portions be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22406. Misbranding of brown sauce. U. S. v. 8 Cases and 7 Cases of Brown Sauce. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 32064. Sample no. 66585-A.)

This case involved a product labeled to indicate that it consisted of molasses. Examination showed that it was not molasses but was a mixture of brown sugar and other ingredients, also that the bottles contained less than the labeled volume.

On March 3, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of brown sauce at Denver, Colo., consigned by the La Choy Food Products Co., Detroit, Mich., alleging that the article had been shipped in interstate commerce, in part on or about September 27, 1933, and in part on or about October 25, 1933, from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Net Weight 8 oz. La Choy Genuine Brown Sauce (Bead Molasses)."

It was alleged in the libel that the article was misbranded in that the statements, "Net Weight 8 oz." and "Molasses", were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On April 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the labels be removed and the product sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*